



## Exempt Action Final Regulation Agency Background Document

<b>Agency name</b>	Department of Agriculture and Consumer Services
<b>Virginia Administrative Code (VAC) citation</b>	2 VAC 5-315
<b>Regulation title</b>	Rules and Regulations for Enforcement of the Virginia Pest Law – Virginia Imported Fire Ant Quarantine
<b>Action title</b>	Regulation Governing Imported Fire Ant
<b>Final agency action date</b>	August 4, 2009
<b>Document preparation date</b>	August 5, 2009

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, the *Virginia Register Form, Style, and Procedure Manual*, and Executive Orders 36 (06) and 58 (99).

### Summary

*Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.*

By authority granted under § 3.2-703 of the Code of Virginia, the Board of Agriculture and Consumer Services hereby establishes regulated areas under the Virginia Imported Fire Ant Quarantine due to the detection of permanently established and naturally spreading colonies of imported fire ants in the cities of Chesapeake, Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, Virginia Beach, and Williamsburg, as well as the counties of James City and York. The quarantine restricts the movement of regulated articles from regulated localities to non-regulated localities. The regulated articles, which include, soil, plants with roots and soil attached, grass sod, used farm equipment and soil-moving equipment, honey bee hives and logs, pulpwood, and stumpwood with soil attached, as well as hay, straw, and pine straw that has been stored on the ground, pose a significant risk of transporting imported fire ants. These regulated articles may move freely within the regulated areas. The VDACS state quarantine is necessary to prevent the United States Department of Agriculture from imposing a federal quarantine regulating the entire state of Virginia. It is currently anticipated that a federal quarantine covering only Virginia's regulated localities will be implemented to prevent the spread of this pest from Virginia to non-infested states.

The purpose of the promulgation of this regulation is to delay the long distance (artificial) spread of the imported fire ant from the infested areas of Virginia. This will reduce the impact of the imported fire ant on citizens and businesses in non-infested areas of Virginia thereby protecting the public's health and welfare.

The implementation of this regulation will restrict movement of regulated articles, as defined in § 40, from the regulated area in the quarantine. A certificate or permit must be issued before movement of regulated articles from these regulated areas into non-regulated areas of Virginia and other states can occur. Conditions under which the certificate or permit will be issued are described in § 70. This certificate or permit must be attached to the regulated article to be moved.

**Statement of final agency action**

*Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.*

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On August 4, 2009, the Board of Agriculture and Consumer Services adopted as a final regulation, 2 VAC 5-315, Rules and Regulations for Enforcement of the Virginia Pest Law - Virginia Imported Fire Ant Quarantine.

**Family impact**

*Assess the impact of this regulatory action on the institution of the family and family stability.*

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This regulatory action will have no impact on the institution of the family and family stability.